IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No.2600 of 2005

Navinchandra Govind Samant ..Applicant

Versus

The State of Maharashtra
& Others ..Respondents

Mr.J.S.Kini for the applicant

Mr.M.S.Mhambrey,APP for the State

CORAM: SMT.V.K.TAHILRAMANI, J.

DATE : 2nd August, 2005

P.C.

1. Heard both sides. The Applicant who is accused No.1 in C.R.No.48 of 2005 of Malad Police Station has prayed for quashing the F.I.R. pertaining to the said case. The said case is under Section 465, 467, 468, 471, 420 and 506 r/w.34 of I.P.C.

2. The complainant in the said case is Mr. Devendra Dhamdere. He has stated that Hissa No.10, 11, 13 and 14 from Survey No.163 was bought by his great Grandmother Smt.Tanabai in the year 1940. Out of that Hissa No.13 and 14 was sold in the year 1962 to one Haji Sayyed Bandu Hassan Sayyed. A structure was build on the remaining hissas and that seven tenants (named by the complainant in the complaint) have been kept thereon. Those tenants are there till today. Those tenants were issued receipts every month by the mother

of the complainant. These receipts were printed receipts and were in seriatum and they were signed by the mother of the complainant. So also, Mr. Haji Sayyed erected some structure on Hissa No.13 and 14, bought by him. In the said structure Mr. Haji Sayyed kept 21 tenants. They were also issued printed receipts which were in seriatum.

3. In 1941 Dr.Samant, i.e. the father of the Applicant purchased house No.109 and 110 which was on Hissa No.15 and 16 in Survey No.163 from one Shri Kapadia. Some tenants were kept by Dr.Samant in the said structure. Thereafter Dr.Samant expired.

4. On 27.9.2004 the complainant learnt that one Sagar Developer had been sold the land pertaining to Hissa No.15 & 16 by the heirs of Dr.Samant. The said heirs included the applicant. When the complainant went to the Registrar"s Office at Bandra to make enquiry he learnt that not only the structures on Hissa No.15 & 16, but also structures on Hissa No.10,11,12,13 and 14 were sold to the builder. He further learnt that the heirs of Dr.Samant including the applicant had submitted forged rent receiptsin respect of tenants on Hissa Nos.10 to 14.

5. In the present case the police have investigated the matter and have filed chargesheet. From the investigation it is revealed that the accused

persons including the applicant has got the rent receipts relating to the tenants in Hissa No.10 to 14 forged and these forged rent receipts were submitted to the office of the Registrar. By doing so the accused persons have tried to show that they are the owners of structures on Hissa Nos.10 to 14 and not the complainant and Mr. Haji Sayyed & Others. From the material collected during the investigation of this case, it is clear that the offence of forgery and cheating has taken place. Thus, no case is made out for quashing of F.I.R.

. Application is rejected.

(V.K.Tahilramani, J.)